

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

AB:PGS

★ AUG 28 2019 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

LONG ISLAND OFFICE

UNITED STATES OF AMERICA

COMPLAINT

- against -

JUSTIN BONAGURO,
Defendant.

M. No.

MJ - 19 0773
(T. 18, U.S.C., § 2252(a)(4)(B))

----- X

EASTERN DISTRICT OF NEW YORK, SS:

DANIEL FANDREY, being duly sworn, deposes and says that he is a Detective with the Suffolk County Police Department ("SCPD") and Task Force Officer ("TFO") with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

On or about July 3, 2019, within the Eastern District of New York, the defendant JUSTIN BONAGURO did knowingly possess one or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction, the production of such visual depiction having involved the use of one or more minors engaging in sexually explicit conduct and such visual depiction was of such conduct, that has been mailed, or has been shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer.

(Title 18, United States Code, Section 2252(a)(4)(B)).

1. The source of your deponent's information and the grounds for her belief are as follows:¹

2. I have been employed by the SCPD as a police officer and then detective since 2007, and am currently assigned as a TFO with the FBI's Long Island Child Exploitation Task Force (the "Task Force"). I have gained expertise in the conduct of child pornography and exploitation investigations through training in seminars, classes, and daily work related to conducting these types of investigations, including the execution of multiple search warrants relating to child pornography offenses and the subsequent prosecution of offenders.

3. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience and discussions that I have had with other law enforcement personnel concerning the creation, distribution and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

4. On or about July 2 and July 3, 2019, an FBI Special Agent working in an undercover capacity ("UC") signed into a social networking application (the "Subject Application") using an internet-connected device belonging to the FBI. The UC was investigating a group chat room that the Task Force has identified as a group where participants share images and videos of child pornography, including prepubescent children

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

who are engaged in sexually explicit activity with adults, other children or themselves. On July 2, 2019, an individual using a profile later identified as the defendant JUSTIN BONAGURO posted a comment in the group asking “Does anybody have daughter or Daddy link?” Based on that post, the UC utilized the direct messaging feature of the Subject Application to engage in a conversation directly with BONAGURO, outside of the chat room. During this interaction, that occurred on July 2 and July 3, 2019, BONAGURO sent the UC digital files containing images of nude prepubescent children, some of whom were engaged in sexually explicit acts. BONAGURO further advised the UC that some of the images included his 13 year-old sister whom he also claimed to be abusing.

5. Specifically, the defendant JUSTIN BONAGURO sent the UC the following images, which have been downloaded to a secured FBI hard drive, are available for the Court’s review, and are described as follows:

a. File 1 is an image depicting two prepubescent girls, approximately 7-10 years old, who are naked. One child is standing and the other child is kneeling and has her mouth on the vagina of the other child.

b. File 2 is an image depicting a prepubescent female, approximately 8-10 years old, who is wearing only panties and is pulling the panties down exposing her vagina.

c. File 3 is an image depicting a nude, prepubescent female, approximately 8-10 years old, who is sitting on a bed with her legs open exposing her vagina.

6. Records obtained by administrative subpoena for the relevant time period shows that the IP address used by the defendant JUSTIN BONAGURO for the above-

referenced communications with the UC was associated with BONGURO's residence in Mastic, New York (the "Subject Residence") and that the account is listed in the name "Justin Bonoguro."

7. On or about August 28, 2019, FBI agents executed a court ordered search and seizure warrant at the Subject Residence. When agents entered the home they encountered the defendant JUSTIN BONAGURO, who identified himself and confirmed that he lived at the Subject Residence. Thereafter, the defendant was advised of his Miranda rights, waived his rights and agreed to speak to agents. During the subsequent interview, the defendant stated in sum and substance that he (a) uses the Subject Application under the screen name encountered by the UC; (b) downloads and views child pornography from the internet using an app and stores the images on his two cellular phones and a tablet device; (c) identified the three child pornography images detailed above as images he recently shared with another user on the Subject Application; (d) lied and told the aforementioned user that the images included his 13 year-old sister – the defendant does not have a 13 year-old sister; (e) views child pornography involving children as young as 7 years-old; and (d) identified his two cellular phones and a tablet that were in the defendant's bedroom and seized as arrest evidence. Furthermore, the defendant stated that he has utilized multiple internet based applications to communicate with and send images of his genitals to children the defendant believed to be approximately 13 years-old.

WHEREFORE, your deponent respectfully requests that the defendant JUSTIN BONAGURO be dealt with according to law.



DANIEL FANDREY
Task Force Officer
Federal Bureau of Investigation

Sworn to before me this
28th day of August, 2019

s/ Steven I. Locke

THE HONORABLE STEVEN I. LOCKE
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK